



California Department
of Toxic Substances Control



California Department
of Public Health

December 18, 2018

Sent via U.S. Mail and Email

Ms. Laura Duchnak, Director
Navy BRAC Program Management Office
33000 Nixie Way, Building 50
San Diego, California, 92147
Email: laura.duchnak@navy.mil

**POTENTIAL CONFLICT OF INTEREST BY CONTRACTOR EMPLOYEES AT THE
DEPARTMENT OF THE NAVY'S FORMER HUNTERS POINT NAVAL
SHIPYARD SITE**

Dear Ms. Duchnak:

The California Department of Toxic Substances Control (DTSC) and California Department of Public Health (CDPH) are concerned about potential conflicts of interest for contractor employees working for the Department of the Navy's (Navy) federal contractor, Battelle Memorial Institute (Battelle), which is providing quality control and third-party oversight of the resampling effort and other work related to the Hunters Point Naval Shipyard (Hunters Point) site. Because the resampling work for Parcel G is expected to start soon, DTSC and CDPH urge the Navy to take immediate action to address the potential conflicts of interest described in this letter to ensure the integrity of the resampling and oversight process and to ensure that similar potential conflicts do not occur in the future. These steps are important to restore public confidence in the cleanup of the Hunters Point site.

As you know, the Navy is resampling areas at the Hunters Point site in response to the falsification of radiological sampling data by Tetra Tech EC, Inc. (Tetra Tech EC) employees. It is our understanding that Battelle has hired and is using or planning to use two former Tetra Tech EC employees to help provide quality control oversight for the resampling work and other work related to the Hunters Point site. We understand Tetra Tech EC previously employed these two individuals and that they may have worked at the Hunters Point site during the time that other Tetra Tech EC employees falsified data relating to the site.

Additionally, Greenaction for Health & Environmental Justice (Greenaction) has submitted a petition to the Nuclear Regulatory Commission to revoke Tetra Tech EC's radiological materials license based on Tetra Tech EC's work at the Hunters Point site.¹ Greenaction's petition contains three declarations from individuals who voice concerns about work that one of Battelle's current employees performed when employed by Tetra Tech EC.

As the lead agency responsible for the cleanup of the Hunters Point site, the Navy must ensure the integrity of the cleanup, independence of its sampling, and strict oversight of its contractors. This means avoiding all potential conflicts of interest, whether actual or perceived, related to the cleanup of the Hunters Point site. Anything less has the potential to erode public confidence in the resampling effort and any potential cleanup. We urge the Navy to take immediate action prior to the start of resampling of Parcel G to help restore confidence in the integrity of the resampling and any potential cleanup at the Hunters Point site.

Sincerely,



Barbara A. Lee
Director
California Department of Toxic
Substances Control



Karen L. Smith, MD, MPH
Director & State Public Health Officer
California Department of Public Health

cc: Mr. Enrique Manzanilla
Director, Superfund Program
US EPA Region 9

¹ A copy of Greenaction's petition and exhibits, including the declarations, is available on Greenaction's website at https://www.dropbox.com/sh/1gfn7ja0fc3c5l6/AAD7-9qzmbhhUTkGvpN4p_Xua?dl=0.